

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARC H. FISHMAN,

Plaintiff.

**NOTICE OF MOTION**

19-cv-00265-NSR

- against -

Return Date: June 28, 2022

CITY OF NEW ROCHELLE, POLICE OFFICER  
LANE SCHLESINGER SHIELD # 1058, JOSEPH  
F. SCHALLER, ROBERT GAZZOLA, IN HIS  
OFFICIAL CAPACITY AS POLICE  
COMMISSIONER OF THE CITY OF NEW  
ROCHELLE POLICE DEPARTMENT,  
SERGEANT MYRON JOSEPH SHIELD # 18, &  
COUNTY OF WESTCHESTER,

Defendants.

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**PLEASE TAKE NOTICE THAT** upon the annexed Declaration of CANER DEMIRAYAK, ESQ., dated May 12, 2022, with attached exhibits, the memorandum of law and upon all the prior pleadings and proceedings in this matter, plaintiff will move this Court before the Honorable Nelson S. Roman on June 28, 2022, or as soon as possible thereafter for an Order, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure and sections 306-b and 308(5) of the New York Civil Practice Law and Rules extending the time for plaintiff to effect service of process of the amended complaint upon good cause shown or in the interest of justice and the exercise of due diligence on defendants Lane Schlesinger and Myron Joseph or to permit alternative service by publication or by service upon defense counsel or in such manner as the court may direct, and for such other relief as the court deems proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the briefing schedule established by order of the Court, opposition to the within motion must be served (but not filed) on the undersigned on June 13, 2022 and reply papers must be served on June 28, 2022. All papers are to

be electronically filed on June 28, 2022 along with two courtesy copies of motion documents to Chambers.

LAW OFFICE OF CANER DEMIRAYAK, ESQ., P.C.

Dated: Brooklyn, New York  
May 12, 2022

*Caner J Demirayak*  
Caner Demirayak, Esq.  
300 Cadman Plaza West  
One Pierrepont Plaza, 12<sup>th</sup> Floor  
Brooklyn, New York 11201  
718-344-6048  
Fax: 646-679-2527  
[caner@canerlawoffice.com](mailto:caner@canerlawoffice.com)

TO: Defense counsel via e-mail, U.S. Mail, and ECF